

ORDINANCE NO. 09-32

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA ACCEPTING THE RIGHT-OF-WAY DEED FROM MONICA FAYE EDWARDS, A SINGLE WOMAN, AND TYRONE EDWARDS, A SINGLE MAN, CONSISTING OF A 35-FOOT WIDE STRIP OF LAND ALONG NW 142 STREET, IF CONSTRUCTED, BETWEEN NW 97 AVENUE AND NW 107 AVENUE, HIALEAH, FLORIDA AS MORE PARTICULARLY DESCRIBED AS PARCEL 226, A COPY OF WHICH IS ATTACHED HERETO AND MADE A PART HEREOF AS EXHIBIT "1"; IN CONSIDERATION OF THE SUM OF \$8,800, INCLUDING PAYMENT FOR LEGAL REPRESENTATION; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Board at its meeting of March 25, 2009 recommended approval of this ordinance; and

WHEREAS, the City of Hialeah finds it in its best interest to pay \$1.95 for each square feet of commercial property for the right-of-way for the parcel comprising of 4,550 square feet in total area to private property owners who have held the property for years with no present intention or wherewithal to develop.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: The City of Hialeah, Florida hereby accepts a right-of-way deed from Monica Faye Edwards, a single woman, and Tyrone Edwards, a single man, consisting of a 35-wide strip of land along NW 142 Street, if constructed, between NW

97 Avenue and NW 107 Avenue, Hialeah, Florida, Parcel 226, legally described as follows:

THE NORTH 35.00 FEET OF THE EAST OF THE EAST 41.25 FEET OF TRACT 24, AND THE NORTH 35.00 FEET OF THE WEST 88.75 FEET OF THE WEST ONE-HALF (WEST ½) OF TRACT 5,, IN THE SOUTHWEST ONE-QUARTER (S.W. ¼) OF SECTION 20, TOWNSHIP 52 SOUTH, RANGE 40 EAST, OF CHAMBERS LAND COMPANY SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 68, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

AND

EXCEPTING THERE FROM, ANY PORTION OF THE ABOVE-DESCRIBED LANDS PREVIOUSLY DEDICATED AS PUBLIC RIGHT-OF-WAY.

Section 2: The City of Hialeah, Florida hereby authorizes the payment of \$8,800 in consideration of the transfer of the property as so described in the right-of-way deed.

Section 3: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 4: Penalties.

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty described above, the

City may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

Section 5: Severability Clause.

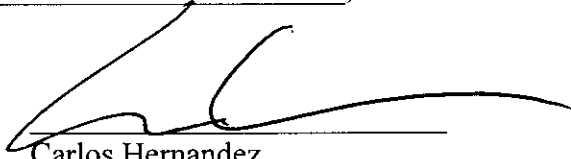
If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

Section 6: Effective Date.

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

PASSED and ADOPTED this 28th day of April, 2009.

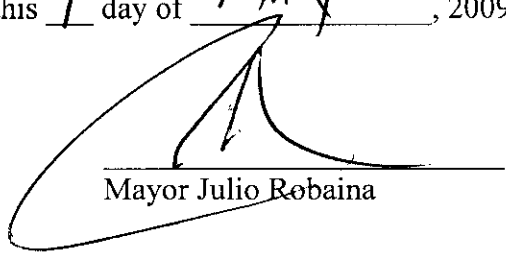
THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.


Carlos Hernandez
Council President

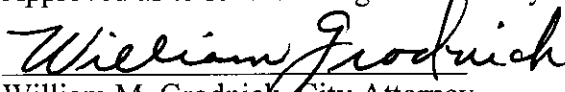
Attest:

Approved on this 1 day of May, 2009.


Rafael E. Granado, City Clerk


Mayor Julio Robaina

Approved as to form and legal sufficiency:


William M. Grodnick, City Attorney

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Ordinance was adopted by a unanimous vote with Councilmembers, Caragol, Casals-Muñoz, Cue, Garcia-Martinez, Gonzalez, Hernandez, and Yedra voting "Yes".



CFN 2009R0375910
OR Bk 26876 Pgs 3371 - 3374; (4pgs)
RECORDED 05/22/2009 14:26:55
HARVEY RUVIN, CLERK OF COURT
MIAMI-DADE COUNTY, FLORIDA

Return to:

City of Hialeah, Florida
Law Department
501 Palm Avenue
Hialeah, Florida 33010

Instrument prepared by:

William M. Grodnick, City Attorney
City of Hialeah Law Department
501 Palm Avenue, Hialeah, Florida 33010

Property Appraiser's Parcel Identification (Folio)
Number(s): 04-2020-001-0060
(Parent folio)

Parcel 226
NW 142nd Street
City of Hialeah

**RIGHT-OF-WAY DEED TO CITY OF HIALEAH, FLORIDA
FOR PUBLIC RIGHT-OF-WAY**

THIS INDENTURE, made this 9 day of MARCH, 2009, by and between Monica Faye Edwards, a single woman, whose address is 5401 S.W. 145 Avenue, Ft. Lauderdale, Florida 33330, and Tyrone Edwards, a single man, whose address is 136 PRINCE ST #6, Boston, Massachusetts, parties of the first part, and the City of Hialeah, Florida, a municipal corporation organized and existing by virtue of and under the laws of the State of Florida, its successors in interest, whose address is 501 Palm Avenue, Hialeah, Florida 33010, party of the second part.

WITNESSETH, that the said parties of the first part, for and in consideration of the sum of Eight Thousand Eight Hundred and No/100th (\$8,800.00) Dollars, to it in hand paid by the party of the second part, receipt whereof is hereby acknowledged, and for other good and valuable consideration, have granted, bargained, and sold to the party of the second part, its successors in interest, for the purpose of a public right-of-way and purposes incidental thereto, the following described land, situate, lying and being in the County of Miami-Dade, State of Florida, to wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

It is the intention of the parties of the first part, by this instrument, to convey to the party of the second part, and its successors in interest, the land above described for use a public right-of-way and for all purposes incidental thereto.

It is expressly provided that if and when the said right-of-way shall be lawfully and permanently discontinued, the title to the said above-described land shall revert to the parties of the first part, their heirs and assigns, and such parties shall have the right to repossess the same.

And the parties of the first part do hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever, claiming by, through or under the parties of the first part.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set our hands and seals the day and year first above written.

Signed, sealed and delivered in the presence of:

Monica Faye Edwards
5401 SW 145 Avenue
Ft. Lauderdale, Florida 33330

Celia Marvin
Witness
Typed/Printed Name: CELIA MARVIN

By: *Monica Faye Edwards*
Monica Faye Edwards

Herbert Z Marvin
Witness
Typed/Printed Name: HERBERT Z MARVIN

**STATE OF FLORIDA
COUNTY OF MIAMI-DADE**

I hereby certify that on this day, before me, an officer duly authorized to administer oaths and take acknowledgments, personally appeared Monica Faye Edwards, who is known to me to be the person described in and who executed the foregoing instrument, who acknowledged before me that she executed the same, and I relied upon the following form of identification of the above-named PERSONALLY KNOWN person:

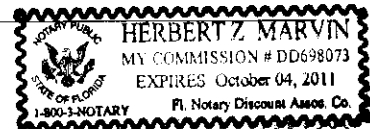
or is personally known to me and that an oath was taken.

NOTARY SEAL

Witness my hand and official seal in the County and State last aforesaid this 26 day of February, 2009.

Herbert Z Marvin
Notary Signature

Typed/printed name
My commission no.:



Roy Lucas
Witness
Typed/Printed Name: Roy Lucas
Lothar Roberts
Witness
Typed/Printed Name: Lothar Roberts

Tyrone Edwards
Ty Edwards
Boston, Massachusetts

By: Ty Edwards
Tyrone Edwards

COMMONWEALTH OF MASSACHUSETTS
COUNTY OF Suffolk

I hereby certify that on this day, before me, an officer duly authorized to administer oaths and take acknowledgments, personally appeared Tyrone Edwards, who is known to me to be the person described in and who executed the foregoing instrument, who acknowledged before me that he executed the same, and I relied upon the following form of identification of the above-named person:

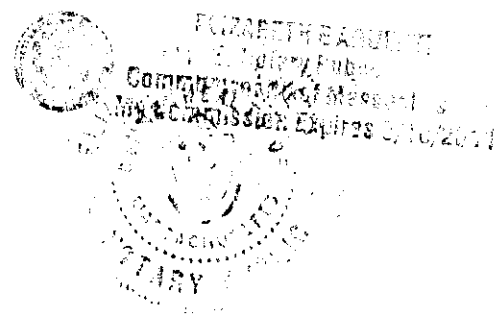
DRIVERS License
or is personally known to me and that an oath was taken.

NOTARY SEAL

Witness my hand and official seal in the County and State last aforesaid this 9th day of March, 2009.

Elizabeth E. Austin
Notary Signature
Elizabeth E. Austin
Typed/printed name

My commission no.: 3/10/2011



LEGAL DESCRIPTION PARCEL 226
(Parent Tract Folio: 04-2020-001-0060)

The North 35.00 feet of the East 41.25 feet of Tract 24 and the North 35.00 feet of the West 88.75 feet of the West one-half (W. 1/2) of Tract 5, in the Southwest one-quarter (SW. 1/4) of Section 20, Township 52 South, Range 40 East, of CHAMBERS LAND COMPANY SUBDIVISION, according to the Plat thereof, as recorded in Plat Book 2, at Page 68, of the Public Records of Miami-Dade County, Florida,

AND

Excepting there from, any portion of the above-described lands previously dedicated as public right-of-way.

